

Municipal Council Meeting Minutes  
Tuesday, January 9, 2007 7:00PM  
Town Hall Auditorium

Call to Order

Pledge of Allegiance – Councilor Lavoie

Roll Call: Roger Benson, Hank Brennick, Ann Connolly King, Robert Lavoie, Donna McClure, Mario Pinierio, Michelle Thone, Christopher Lawrence

Alison Lindstrom excused absence.

**Municipal Council Reorganization**

Councilor Thone nominates Councilor Lawrence for President, Councilor Pinierio second

Councilor King nominates Councilor Benson for President, Councilor Benson second

Roll Call Vote: Lawrence 6, Benson 2

Councilor Lawrence (Brennick, Lavoie, McClure, Thone, Pinierio, Lawrence)

Councilor Benson (King, Benson)

Councilor McClure nominates Councilor Thone for Vice President, Councilor Pinierio second

Councilor King nominates Councilor Benson for Vice President, Councilor Lavoie second

Roll Call Vote: Thone 5, Benson 3

Councilor Thone (Brennick, McClure, Pinierio, Thone, Lawrence)

Councilor Benson (King, Lavoie, Benson)

Councilor King asks when all the committees will be evaluated as per Council Rules and Procedures.

President Lawrence states the update will be at the February council meeting.

Councilor King asks that all the committees be evaluated and discussed individually, primarily the Education Sub Committee and the Policy Safety Committee. President Lawrence states it will be at the February meeting.

**Accept Minutes** November 14, 2006 & December 7, 2006 Councilor Thone motions to accept, Councilor Benson second – Voted Unanimous

**Public Comment**

High School Building Update – Councilor King states the surety has selected the new contractor, Castagna from Newburyport. The town and the surety are in the process of working through the contract. The final contract should be ready for discussion in two weeks. Castagna has done 30 high school additions and renovations. Mt. Vernon has worked with them and has reported confidence in their work. There is ground work being done outside and all the boilers and electrical systems will be turned on and evaluated.

**Licenses and Permits**

**2007-003** Auto Class II – Carmart of Plaistow, 17 Haverhill Rd.

President Lawrence reads 2007-003 into the record.

Councilor Benson abstains from 2007-003 because of a direct financial conflict.

David Swerling, the primary investor for Carmart LLC states he is opening an investment at 41 Haverhill Ave to serve as employment for his father and uncle.

Councilor Pinierio asks Mr. Swerling if they will be doing repairs, Mr. Swerling responds yes.

*Councilor Brennick moves to approve 2007-003, Councilor Pinierio second Voted - Unanimous*

**2007-007** Common Victualler – Best Choice, 23 Rocky Hill Rd.

President Lawrence reads 2007-007 into the record.

Nasir A. Main representing Best Choice,

*Councilor Benson moves to approve 2007-007 as submitted, Councilor Pinierio second – Voted Unanimous*

### **Public Hearing**

**2006-121** An Order to authorize a transfer of \$4,000 for Conservation Commission – Mayor Kezer cont.

President Lawrence read 2006-121 into the record and opens the public hearing.

Councilor Brennick read the recommendation of the Finance Committee to approve.

President Lawrence closed the public hearing.

Councilor Benson moves to approve 2006-121 as submitted, Councilor McClure second – Voted Unanimous

**2006-123** An Order to accept a \$5,000 donation from the Amesbury Alliance for the participation fee in an economic development self assessment tool run by Northeastern University – Mayor Kezer sponsor cont.

President Lawrence read 2006-123 into the record.

Councilor Brennick read the Finance Committee recommendations to approve.

President Lawrence opens and closes the public hearing.

Councilor Pinierio motions to accept 2006-123, Councilor Thone second  
Roll Call Vote – Unanimous

**2006-124** An Order to grant an Easement to Newburyport Five Cents Savings Bank – Mayor Kezer sponsor cont.

President Lawrence reads 2006-124 into the record.

Councilor Lavoie read the Ordinance Committee recommendation to discharge 2006-124 back to the council with a recommendation that the council accept as submitted.

President Lawrence opens the public hearing.

Denis Nadeau, Building Inspector for Town of Amesbury states the easement is needed to allow the bank to install windows in the fire wall that is on the lot line. The intent of the code is to keep a five foot clear space so that fire does not travel from one building to another.

Councilor Brennick asks if the bank assumes liability if anyone should get hurt on that land, Councilor Lavoie stated that the easement was drafted by the town and paragraph 3 and 4 deal with the liability issues.

Councilor Benson moves to approve 2006-124 as submitted, Councilor Pinierio second  
Roll Call Vote – Unanimous

**2006-125** An Order to appropriate \$43,000 for the FY07 Fire Department Budget to fund an employment agreement with local 17833 I.A.F.F. – Mayor Kezer sponsor

President Lawrence reads 2006-125 into the record.

Councilor Brennick read the recommendation of the Finance Committee for approval.

President Lawrence opens the public hearing.

Councilor Thone acknowledges the firefighters for reducing their overtime by making a small change in their deployment. She thanks them for stepping forward and taking a leadership roll with regard to getting all of the union contracts lined up so that changes can be made to the health benefits.

Councilor McClure motions to approve 2006-125 as written, Councilor Benson second  
Roll Call Vote – Unanimous

**2006-128** An Ordinance to Amend Article 7 of the Town of Amesbury Bylaws – Councilor Lindstrom sponsor cont.

This ordinance is still in the Ordinance Committee – continued.

### **New Business**

**2007-004** An Order to surplus Municipal Vehicles – Mayor Kezer sponsor

President Lawrence reads 2007-004 into the record.

*Councilor Benson refers 2007-004 to the Finance Committee, Councilor Pinierio second.  
Voted Unanimous*

**2007-005** An Order to accept \$49,875 Community Policing Grant – Mayor Kezer sponsor

President Lawrence reads 2007-005 into the record.

*Councilor Benson refers 2007-005 to the Finance Committee, Councilor Lavoie second  
Voted Unanimous*

**2007-006** An Order to accept \$7,000 Traffic Enforcement Grant – Mayor Kezer sponsor

President Lawrence read 2007-006 into the record.

*Councilor Pinierio motions to send 2007-006 to the Finance Committee, Councilor Brennick  
Voted Unanimous*

### **Correspondence:**

#### **President/Vice President Communications**

2007-008 Municipal Council Meeting schedule

*Councilor Benson motions to accept 2007-008 as submitted, Councilor McClure second  
Voted Unanimous*

#### **Communication from Elected Officials, Boards and Commissions**

**2007-002** Amesbury Housing Authority, declare vacancy term to expire 12/31/07 and schedule a joint meeting

*Councilor Benson motions to declare the seat vacant, Councilor Pinierio second  
Voted Unanimous*

*Councilor Benson motions to schedule a joint meeting with the Housing Authority at the February 13<sup>th</sup>  
Municipal Council meeting, Councilor Pinierio second  
Voted Unanimous*

Councilor Thone states there is a meeting January 18<sup>th</sup> in the school committee room at Whittier to begin the budget deliberations.

Councilor King asks for clarification on a comment by Councilor Lavoie to appoint himself and Tom Iacobucci to start reviewing the bylaws. Councilor Lavoie states they both volunteered but of course it would be up to the Municipal Council to form the committee.

Councilor King had a discussion with Bob Richie, the Attorney with the state who assists communities in rewriting bylaws and charters, and he recommended the council wait until the charter commission completed its changes to the charter before updating the bylaws. She would like to see an ad hoc committee appointed and she is volunteering to serve on that committee.

Councilor Thone asks Councilor Lavoie what it would take to start the process; he stated it would take action of the council and he would be glad to draft the Order.

Councilor Pinierio states the Education subcommittee did not meet because of no quorum.

President Lawrence states there is now a vacancy on the Ordinance Committee. Mr. Flannigan resigned and he thanked him for his years of service. All of the committees will be discussed at the February 13<sup>th</sup> meeting.

Councilor Brennick reported on Traffic and Transportation. They are looking into possible changes to the parking limits on Friend Street. There is still an opening on Traffic and Transportation. Councilor Brennick asks to have 2006-018 withdrawn from the committee. Councilor Benson, as sponsor of the bill, withdraws it.

Councilor Thone motions to adjourn, Councilor Benson second – Voted Unanimous  
7:45PM  
Respectfully submitted,  
Assistant Town Clerk